

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

DISTRICT:

SECOND APPEAL NO. 941 OF 2004

Office Notes, Office Memoranda
of Coram, appearances,
Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

Mr. V. S. Gokhale for the Appellants.

None for the Respondents.

CORAM: S.B.DESHMUKH, J.

DATE : 21ST AUGUST, 2006

P.C.:

Heard learned Counsel for the
appellants.

2. Learned Counsel for the
appellants, submits, that the
companion Second Appeal No. 408 of
2004, is considered by this Court and
dismissed at the stage of admission.

3. The present appellants had filed
Regular Civil Suit No. 134 of 1989.
This suit, after hearing the parties,
came to be dismissed. The respondents
had filed Regular Civil Suit No. 162

of 1989 and that suit, came to be decreed by the trial Court by the judgment and decree passed on 5th December, 1992. The present appellants, therefore, had filed two appeals under Section 96 of the Code of Civil Procedure, before the learned District Judge at Ratnagiri. One was Civil Appeal No. 7 of 1993 and another was Civil Appeal No. 8 of 1993. Both these appeals have been dismissed by the learned Joint District Judge, Ratnagiri, by the judgment and decree passed on 17th October, 2001. Against the said judgment and decree, the present appellants preferred two second appeals in this Court as noted above, therefrom, i.e. Second Appeal No. 408 of 2004 and the present Second Appeal No. 941 of 2004.

4. This Court, after hearing the learned Counsel for the appellants, dismissed the Second Appeal No. 408 of 2004 holding that no substantial question of law is involved.

5. After hearing the learned Counsel for the appellants, in this Second Appeal No. 941 of 2004 also, I find, no substantial question of law involved. This Second Appeal No. 941 of 2004, therefore, is dismissed in limine. No costs.

SD/-

(S.B.DESHMUKH, J.)